

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-3848

DOEBLERS' PENNSYLVANIA HYBRIDS, INC.

v.

TAYLOR DOEBLER, III, an individual;
DOEBLER SEEDS LLC d/b/a T.A. Doeblers Seeds,

Defendants/Third-Party Plaintiffs

v.

WILLARD L. JONES;
WILLIAM R. CAMERER, III,

Third-Party Defendants

Taylor Doeblers, III, an individual, and
Doeblers Seeds LLC d/b/a T.A. Doeblers Seeds,

Appellants

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. No. 03-cv-01079)
District Judge: Honorable James F. McClure, Jr.

Argued June 30, 2005
Before: NYGAARD,* SMITH, and FISHER, *Circuit Judges*.

SECOND ORDER AMENDING OPINION

IT IS HEREBY ORDERED that the opinion in the above case, filed March 23, 2006, be amended as follows:

Pages 49-50, the sentence following footnote 27, the phrase “the same variety name as defendants” is replaced with the phrase “the same variety name as plaintiff” so that the sentence reads, in pertinent part:

“If defendants are *required* by the Federal Seed Act to use the same variety name as plaintiff when selling the same hybrid of corn seed”

By the Court,

/s/ D. Michael Fisher

Circuit Judge

Dated: May 5, 2006

*Judge Richard L. Nygaard assumed senior status on July 9, 2005.